

REMARKS

Introduction

Claims 1, 2, 4, 5, 8, 11, 12 and 14 are currently pending in the application; claims 11, 12 and 14 being withdrawn from consideration; and claims 3, 6, 7, 9, 10 and 13 being previously cancelled. Clarifying amendments are made herein to claims 1 and 4 and the remaining claims have not been amended. Claims 1 and 4 are in independent form.

Claim Rejections – 35 U.S.C 102

Claims 1 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 01-202429. It is respectfully submitted that such rejection is improper and should be withdrawn for the following reasons.

In the present invention, as defined in amended claims 1 and 4, the panel material guide means includes first guide means 16 to 24 by which the web means of panel material (one of the layers of panel material) 1 is guided to be folded *into superposed two layers* when being fed, as shown in Figs. 1 and 2. The panel material guide means further includes second guide means 25 to 29 by which the web means of panel material (one of the layers of panel material) 1 is guided to be folded back when being fed and after being folded into two superposed layers. The web means of panel material (one of the layers of panel material) 1 is therefore folded and then folded back into *three* superposed layers. Accordingly, the folded portion 4 is formed in the web means of panel material (one of the layers of panel material) 1 and folded into halves.

In addition, according to the present invention, the web means of panel material (one of the layers of panel material) 1 is folded and then folded back in two stages. In the first stage, the web means of panel material (one of the layers of panel material) 1 is folded by the first guide means alone. The web means of panel material (one of the layers of panel material) 1 is then folded back by the second guide means alone. The first and second guide means are independent from each other in function. As a result, the web means of panel material (one of the layers of panel material) 1 can be folded and then folded back reliably, precisely and without difficulty.

An additional advantage of the present invention is that the folded portion 4 can be combined with the sheet of side gusset material 3 by means of folded and folded back procedures in which the web means of panel material (one of the layers of panel material) 1 is folded and then folded back by the first and second guide means, as defined in allowable claim 8 and described in the specification beginning on page 12, line 27 through page 16, line 19.

In contrast, Japanese Patent 01-202429 discloses an apparatus in which web means of panel material S is engaged with a member 16 and a disc 15 to be pushed into the member 16. Unlike the apparatus of the present invention, in Japanese Patent 01-202429 the web means of panel material S is not folded into two layers, but into four layers from the beginning when being engaged with the member 16 and the disc 15 to be pushed into the member 16.

Furthermore, it is never considered in Japanese Patent 01-202429 that the web means of panel material S is folded and then folded back in two stages. Unlike the first and second guide means of the present invention, the member 16 and the disc 15 of Japanese Patent 01-202429 cooperate with each other to fold the web means of panel material S. It is clear that the web means of panel material S is folded neither by the member 16 alone nor by the disc 15 alone, but by both acting together. The member 16 and the disc 15 are not independent from each other in function. Consequently, the mechanism described in Japanese Patent 01-202429 does not anticipate the invention claimed in claim 1 or in claim 4.

The differences noted above are not without importance. The effects and advantages of the present invention are not obtained by the structure disclosed in Japanese Patent 01-202429. The web means of panel material S cannot be folded reliably, precisely and without difficulty as compared with that of the present invention. Further, the folded portion E cannot be combined with the sheet of side gusset material when sheets of side gusset material are supplied to the web means of panel material S. As such, member 16 by no means corresponds to the first guide means of the present invention, and disc 15 by no means corresponds to the second guide means of the invention. Consequently, Japanese Patent 01-202429 does not support the rejection under 35 U.S.C. 102.

Japanese Patent 01-202429 does not anticipate the subject matter of claim 1 and 4 as Japanese Patent 01-202429 does not disclose all the limitations of these independent claims.

Accordingly, applicant submits that the subject matter of independent claims 1 and 4 is novel and patentable over Japanese Patent 01-202429, as is the subject matter of the claims which depend from independent claims 1 and 4.

Claim Rejections – 35 U.S.C 103

Claims 2 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 01-202429 in view of Broenstrup (U.S. 6,425,847). It is respectfully submitted that such rejections are improper and should be withdrawn for the following reasons.

Claims 2 and 5 depend from claims 1 and 4, respectively. The remarks presented above with regard to Japanese Patent 01-202429 are equally applicable to the rejection under 35 U.S.C. 103. Broenstrup is cited in the Office Action as disclosing side gusset portions by the sheets of side gusset material. Even if true, that would not make up for the deficiencies of Japanese Patent 01-202429 that are described above. Therefore, the rejection of claims 2 and 5 under 35 U.S.C. 103 is not supported. It is requested that claims 2 and 5 be allowed.

Allowable Subject Matter

The Examiner's indication that claim 8 is directed to allowable subject matter is appreciated.


Conclusion

It is respectfully submitted that a full and complete response to the Office Action has been made. The claims are believed to be in condition for allowance. Early and favorable action is respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

A *Petition for Extension of Time* of one (1) month and the corresponding fee payment are being submitted herewith. If an additional extension of time is required, please consider this a petition for an extension of time sufficient to allow entry of this Amendment. If any additional

fees are occasioned by this Amendment, the Commissioner is hereby authorized to charge them to Deposit Account 08-2442.

Respectfully submitted,
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